

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERNESTO VELASCO,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:21-cv-01234-DAD-GSA

ORDER ADOPTING THE PARTIES’
STIPULATION FOR THE AWARD OF
ATTORNEY’S FEES UNDER THE EQUAL
ACCESS TO JUSTICE ACT

(Doc. No. 16)

On August 13, 2021 plaintiff Ernesto Velasco filed this action seeking review of a final decision of defendant Kilolo Kijakazi, the Acting Commissioner of Social Security. (Doc. No. 1.) On May 3, 2022, the matter was remanded to the Commissioner of Social Security for further proceedings pursuant to 42 U.S.C. § 405(g). (Doc. No. 14.) On July 30, 2022, the parties filed a stipulation with the court in which the parties agree that plaintiff shall be awarded attorney’s fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), in the amount of \$591.54. (Doc. No. 16.)

Good cause appearing, and pursuant to the parties’ July 30, 2022 stipulation, the court orders as follows:

1. Pursuant to the EAJA, 28 U.S.C. § 2412(d), plaintiff is awarded attorney’s fees in the amount of \$591.54;

- 1 2. After the issuance of this order, the government shall consider the assignment of
2 the EAJA attorney's fees to plaintiff's counsel;
- 3 a. Pursuant to the decision in *Astrue v. Ratliff*, 560 U.S. 586 (2010), any such
4 assignment will depend on whether the attorney's fees are subject to any
5 offset allowed under the United States Department of Treasury's ("the
6 DOT") Offset Program;
- 7 b. Fees shall be made payable to plaintiff, but if the DOT determines that
8 plaintiff does not owe a federal debt, then the government shall cause the
9 payment of attorney's fees to be made directly to plaintiff's counsel,
10 Jonathan O. Peña;
- 11 3. Whether the payment of attorney's fees is made payable to plaintiff or to his
12 counsel, the check will be mailed to plaintiff's counsel's mailing address at:

13 Jonathan O. Peña
14 Peña & Bromberg, PLC
15 2440 Tulare St., Ste. 320
 Fresno, CA 93721

16 IT IS SO ORDERED.

17 Dated: August 1, 2022

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20 UNITED STATES DISTRICT JUDGE